

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS E. MERTZ,
Plaintiff

v.

DONZI MARINE, INC. and
AMERICAN MARINE HOLDINGS,
INC., in its own right and d/b/a
DONZI MARINE,
Defendants and
Third-Party Plaintiffs

v.

THE BOAT STORE
Third-Party Defendant

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

THE HONORABLE MAURICE B. COHILL, JR.

NO. 04-55E

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U.S. DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

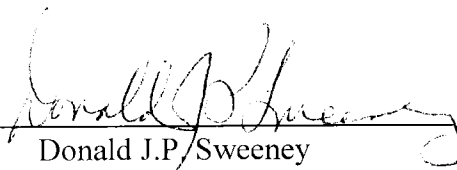
**REPLY OF THIRD-PARTY PLAINTIFFS,
DONZI MARINE, INC. AND AMERICAN MARINE
HOLDINGS, INC., in its own right and d/b/a DONZI MARINE, TO
“COUNTERCLAIM” OF THIRD-PARTY DEFENDANT, THE BOAT STORE**

19. Third-Party Plaintiffs incorporate each and every paragraph of its Third-Party Complaint as if set forth herein at length.

20-21. These averments are denied as conclusions of law to which no response is required. By way of further answer, these allegations are improper for a “counterclaim” since they seek contribution and indemnification from Third-Party Plaintiffs and also aver joint and several liability with Third-Party Plaintiff. As such, this pleading is in the nature of a crossclaim as opposed to a counterclaim. In any event, the allegations are denied and proof is demanded at time of trial.

WHEREFORE, Third-Party Plaintiffs, Donzi Marine, Inc. and American Holdings, Inc.,
in its own right and d/b/a Donzi Marine, demand judgment in their favor and against Third-Party
Defendant, The Boat Store.

SWEENEY & SHEEHAN

By: 
Donald J.P. Sweeney
Attorney for Defendants,
Donzi Marine, Inc. and
American Marine Holdings, Inc.

Identification No.: 03696
Nineteenth Floor
1515 Market Street
Philadelphia, PA 19102
(215) 563-9811

Date: February 6, 2006

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS E. MERTZ,	:	CIVIL ACTION - LAW
Plaintiff	:	
v.	:	
	:	<u>JURY TRIAL DEMANDED</u>
DONZI MARINE, INC. and AMERICAN	:	
MARINE HOLDINGS, INC., in its own	:	
right and d/b/a DONZI MARINE,	:	
Defendants and	:	
Third-Party Plaintiffs	:	THE HONORABLE MAURICE B. COHILL, JR.
v.	:	
	:	
THE BOAT STORE	:	
Third-Party Defendant	:	NO. 04-55E

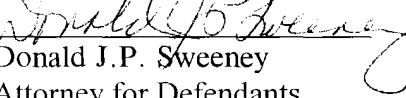
CERTIFICATION OF SERVICE

I hereby certify that the following counsel of record were served with a true and correct copy of **Reply of Third-Party Plaintiffs, Donzi Marine, Inc. and American Marine Holdings, Inc., in its own right and d/b/a Donzi Marine, to "Counterclaim" of Third-Party Defendant, The Boat Store** in the above-captioned matter by U.S. Postal Service, First Class Mail on February 6, 2006:

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Matthew W. Fuchs, Esquire
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By: 
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